

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ROBERT J. LABONTE,

Plaintiff,

v.

UNITED STATES,

Defendant.

No. 18-1784C

(Judge Hertling)

**DEFENDANT’S UNOPPOSED MOTION FOR AN
ENLARGEMENT OF TIME TO FILE CROSS-MOTION AND RESPONSE**

Defendant, the United States, respectfully requests that the Court grant an eight-day enlargement of time, from August 6, 2020, to and including August 14, 2020, for the United States to file its cross-motion for judgment on the administrative record and response to plaintiff’s motion for judgment on the administrative record (cross-motion). This is our first request for an enlargement of time for this purpose. Plaintiff’s counsel advised us that plaintiff does not oppose this motion or the proposed revised briefing schedule set forth below.

We are working diligently on our cross-motion, but additional time is required to complete our brief. On July 17, 2020, a new bid protest – *Mitchco International, Inc. v. United States*, Fed. Cl. No. 20-879C – was assigned to undersigned counsel of record. That matter required immediate attention, it has consumed a significant amount of counsel’s time since then, and it will require significant attention in the coming weeks. Telephone conferences were conducted by the Court on July 20 and July 24, 2020, and counsel has had numerous calls with agency counsel, the attorney for plaintiff, counsel for the awardee, and another attorney who has expressed interest in the protest. Further, the administrative record is due on or before August 12, 2020.

In addition, counsel is responsible for other matters that have required his attention in recent weeks, including: (1) *Gallogly v. United States*, Fed. Cl. No. 20-261C (on July 17, 2020, counsel filed Government's response to plaintiff's motion for relief from judgment); and (2) *Lanclos v. United States*, Fed. Cl. No. 15-358C (on July 23, 2020, counsel filed our reply brief concerning the Government's amended motion for reconsideration of a decision granting summary judgment on liability in favor of plaintiff in breach of contract action).

In connection with our request for an enlargement of time, we respectfully propose that the Court enter a revised briefing schedule. Plaintiff's counsel indicated that plaintiff does not oppose the proposed revised schedule. To avoid delaying the completion of briefing, the proposed deadline for our reply brief – the last brief scheduled to be filed – would remain unchanged under the proposed schedule, which is as follows:

- **August 14, 2020:** the defendant shall file its cross-motion for judgment on the administrative record and opposition to the plaintiff's motion for judgment on the administrative record (currently due on August 6, 2020);
- **September 18, 2020:** the plaintiff shall file his opposition to the defendant's motion for judgment on the administrative record and reply in support of his motion (currently due on September 11, 2020);
- **October 8, 2020:** the defendant shall file its reply in support of its cross-motion (unchanged).

For these reasons, we respectfully request that the Court grant the United States an enlargement of time, to and including August 14, 2020, to file our cross-motion, and that the Court enter the proposed revised schedule to complete briefing set forth above.

Respectfully submitted,

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